



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**SAVANNAH DISTRICT, CORPS OF ENGINEERS**  
**REGULATORY BRANCH, NORTHERN SECTION**  
**1590 ADAMSON PARKWAY, SUITE 200**  
**MORROW, GEORGIA 30260-1777**

**OCT 12 2005**

Regulatory Branch  
200501521

**JOINT PUBLIC NOTICE**  
**Savannah District/State of Georgia**

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200501521

Applicant: Chase Development  
Attention: Mr. Jerry Brittendall  
2025 Hills Avenue  
Atlanta, Georgia 30318

Agent: Moore Bass Consulting, Inc.  
Attention: Mrs. Amy Wolf Rollins  
324 Industrial Blvd.  
McDonough, Georgia 30253

Location of Proposed Work: Located within the Etowah Watershed, west of I-75, northwest of the intersection at Cobb Parkway and Acworth Due West Road, Latitude 34° 02' 22" North, Longitude 84° 40' 37" West, Acworth, Cobb County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: To construct a commercial development, to serve the Acworth area.

The property is approximately 61.90 acres in size with approximately 4,352 linear-feet of jurisdictional streams and 0.55 acres of jurisdictional wetlands.

The first stream (Stream AA) is located through the center of the tract. The stream begins onsite just north of Detention Pond/Basin A. The stream flows into the detention pond, pools and is then released through an outfall structure. It then flows west, along the southern boundary of the property, then northwest through Wetland A. The stream continues to flow north and eventually offsite at the northern property boundary. It is 2-6 feet wide with 6 inches to 3 feet stream banks and gravel, silt substrate. Stream AA becomes more narrow and shallow as it flows through Wetland A then more meandering, deeper and wider downstream. The canopy consists of white oak (*Quercus alba*), red maple (*Acer rubrum*), beech (*Fagus grandifolia*), southern red oak (*Quercus falcata*), sweetgum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), pignut hickory (*Carya glabra*) and loblolly pine (*Pinus taeda*). The subcanopy

consists of hardwood saplings and Chinese privet (*Ligustrum sinense*). Herbaceous species include Japanese honeysuckle (*Lonicera japonica*), greenbrier (*Smilax glauca*) and Virginia creeper (*Parthenocissus quinquefolia*). The southern portion of Stream AA is fairly impaired due to the construction of the nearby commercial retail center.

Stream BB, the second perennial stream, is located east of Stream AA. The stream begins at a seep and flows northwest to converge with Stream AA near the northern boundary of the site. Stream BB is 2-5 feet wide with 1-3 feet stream banks and silt, gravel substrate. The canopy consists of white oak (*Quercus alba*), red maple (*Acer rubrum*), beech (*Fagus grandifolia*), southern red oak (*Quercus falcata*), sweetgum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), pignut hickory (*Carya glabra*) and loblolly pine (*Pinus taeda*). The subcanopy consists of hardwood saplings and Chinese privet (*Ligustrum sinense*). Herbaceous species include Japanese honeysuckle (*Lonicera japonica*), greenbrier (*Smilax glauca*) and Virginia creeper (*Parthenocissus quinquefolia*).

The third perennial stream (Stream CC) flows onto the study site from a detention pond outfall structure at the southwest boundary of the site. The detention pond is used by the adjacent retail lots at the southwestern boundary. The stream flows east near the southwestern property boundary terminates at a confluence with Stream AA. The stream is 2-4 feet wide with 1-3 feet stream banks with a silt and gravel substrate. The canopy consists of white oak (*Quercus alba*), red maple (*Acer rubrum*), beech (*Fagus grandifolia*), southern red oak (*Quercus falcata*), sweetgum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), pignut hickory (*Carya glabra*) and loblolly pine (*Pinus taeda*). The subcanopy consists of hardwood saplings and Chinese privet (*Ligustrum sinense*). Herbaceous species include Japanese honeysuckle (*Lonicera japonica*), greenbrier (*Smilax glauca*) and Virginia creeper (*Parthenocissus quinquefolia*).

Wetland A is located just north of an existing detention basin near the southern boundary. The wetland is a low lying area inundated by the flow of Stream AA and, at its southern point, is additionally fed by the detention basin. The wetland canopy consists of river birch (*Betula nigra*), loblolly pine (*Pinus taeda*) and sweetgum (*Liquidambar styraciflua*). The subcanopy consists of brook-side alder (*Alnus serrulata*) and Chinese privet (*Ligustrum sinense*). Herbaceous species include soft rush (*Juncus effusus*), greenbrier (*Smilax glauca*), kudzu (*Pueraria lobata*) and Japanese honeysuckle (*Lonicera japonica*). The wetland showed signs of inundation, saturation, drainage patterns, and water-stained leaves.

Wetland B is located in the eastern portion of the site, near the top of Stream BB. The forested wetland is a low lying area saturated by groundwater seepage and precipitation runoff. The wetland canopy consists of white oak (*Quercus alba*), red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*), beech (*Fagus grandifolia*), loblolly pine (*Pinus taeda*) and sweetgum (*Liquidambar styraciflua*). The subcanopy consists of loblolly, red maple, tulip poplar and sweetgum saplings, and Chinese privet (*Ligustrum sinense*). Herbaceous species include greenbrier (*Smilax glauca*) and Japanese honeysuckle (*Lonicera japonica*). The wetland shows signs of saturation, drainage patterns, and water-stained leaves.

This project proposes to pipe/fill 550 linear feet of perennial stream and 0.08 acres of wetlands in association with one road crossing, two graded areas and one building pad.

The proposed road crossing will impact 118 linear feet of Stream AA, through pipe and fill. Grading Impact #1 will impact 28 linear feet of Stream AA through fill. Grading Impact #2 will impact 111 linear feet of Stream AA and 0.08 acres of Wetland A through pipe and fill. The building pad will impact 293 feet of Stream AA, through fill.

If it is determined that issuance of a permit is appropriate and compensatory mitigation is required to offset the impacts of the proposed project, the applicant has proposed the onsite riparian restoration, that includes planting native vegetation 50 feet on both sides of 1,855 linear-feet of stream and removal of invasive species where necessary. In addition, 0.61 wetland credits will be purchased from a USACE approved mitigation bank or Georgia In-Lieu Program. Prior to the approval of the purchase of stream and wetland credits from a commercial mitigation bank as compensatory mitigation, an applicant must demonstrate through documentation to the US Army Corps of Engineers that the option of on-site and within basin mitigation has been thoroughly investigated, with no potential sites located. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

## BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

## STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, is responsible for certifying this project in accordance with the provisions of Section 401 of the Clean Water Act. Certification is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia that may be in the form of a license, easement, lease, permit, or other appropriate

instrument.

## US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GHPD), or any other interested party, review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be affected by this project.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

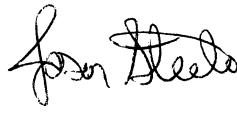
Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation

of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

**Comment Period:** Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Northern Section, Attention: Mr. Jason Steele, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Chase Development) and the application number (200501521) in your comments.

If you have any further questions concerning this matter, please contact Mr. Jason Steele of the Regulatory staff at (678) 422-2730.

  
for Edward B. Johnson, Jr.  
Chief, Northern Section

Enclosures

1. Site Location Map
2. Topographic Map
3. Pre-construction Site Plan
4. Impact Site Plans
5. Mitigation Plans